IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

WP(C).No. 1865 of 2007(V)

AGAINST THE ORDER IN IA 2755 /2006 IN
OS.503/2006 of PRINCIPAL.MUNSIFF'S.COURT.,KOLLAM

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PETITIONER:

MOHAMMED ASHRAF, AGED 55 YEARS,
RESIDING AT MUTTANISSERIL THEKKATHIL HOUSE,
ERUVA MURI, PATHIYOOR VILLAGE,
KARTHIKAPPALLY TALUK, ALLEPPEY.

BY ADV. SRI.PHILIP M.VARUGHESE

RESPONDENTS:

1. THAHA HUSSAIN, S/O. KOYAKUTTY,
AGED 55 YEARS, RESIDING AT MUTTANISSERIL
THEKKATHIL HOUSE, ERUVA MURI, PATHIYOOR VILLAGE,
KARTHIKAPPALLY TALUK, ALLEPPEY.

2. DISTRICT SURVEY SUPERINTENDENT,
KOLLAM.

BY GOVERNMENT PLEADER SRI.V.T.K.MOHANAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: A true copy of plaint in O.S.503/06 of Munsiff Court, Kollam dated 11.7.2006.

Ext.P2: Ex parte injunction order dated 12.7.2006 in I.A.No.2755/06 in O.S.503/06.

Ext.P3: True copy of the notice of Measurement issued by the District Survey Superintendent dated 1.12.2005.

Ext.P4: A true copy of the notice issued by the District Survey Superintendent dated 21.1.2006.

Ext.P5: A true copy of the notice dated 2.3.2006.

Ext.P6: True copy of the notice dated 20.6.2006 by the District Survey Superintendent.

Ext.P7: Notice issued by the 2nd respondent dated 25.7.2006.

Ext.P8: Surgical report of the Regional Cancer Centre, Medical College Campus, Thiruvananthapuram, dated 25.5.2005.

Ext.P9: Pathological certificate issued by the Department of Pathology dated 6.6.05.

// True copy //

P.A. to Judge

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K.P.BALACHANDRAN, J.

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W.P.(C)NO.1865 OF 2007

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Dated this the 12th day of February 2007

JUDGMENT

Counsel for the petitioner submits that he does not want to have the relief prayed for in the writ petition and that it is enough that a direction is given to dispose of the case at the earliest to the Munsiff, Kollam where O.S.503/06 is pending. Petitioner is the defendant in the said suit. It is submitted that a written statement has been filed by the petitioner who is the only defendant in the suit and a Commission has to be taken up for measurement of the property. The first prayer in this writ petition is for a direction being given to the Munsiff, Kollam to dispose of Ext.P1 suit within a time limit to be fixed by this court. No time limit can be fixed as in the instant case it is submitted that a Commission has to be taken for surveying the property. The only direction that can be issued is to dispose of the case as early as possible. The Musiff shall dispose of the case as early as possible avoiding all possible delays. This writ petition is disposed of with the above direction.

K.P.BALACHANDRAN, JUDGE

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